THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.27111 of 2006

Date: 28th December, 2006

Between :-

A.G.Rajender and others .. Petitioners

And

The Municipal Corporation of Hyderabad, Hyderabad rep.by its Commissioner, M.C.H., Hyderabad. .. Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.27111 of 2006

ORDER:-

The matter is coming up for *admission.*

2. Heard Sri T.Sudhakar Reddy, the learned Counsel representing the Writ Petitioners and Smt.Jyoti Kiran, the learned standing Counsel representing the respondent.

3. The Writ Petition is filed for a Writ of Mandamus setting aside the impugned notices No.0334/CSC/TP7/2005 dated 13-10-2006, 23-10-2006 and 24-11-2006 issued by the respondent Corporation while declaring the action of the respondent Corporation as illegal, arbitrary, unconstitutional and violative of principles of natural justice and pass such other suitable orders.

4. It is stated that the petitioners are the absolute owners of the premises bearing No.10-2-280/1 vide registered Conveyance Deed No.1162/2002 dated 18-6-2002. It is also stated that petitioners 1 to 3 executed

registered Developmental Agreement-cum-General Power of Attorney No.411/2005, dated 8-2-2005. It is further stated that the respondent Corporation granted permission for construction vide permit No.91/84/2005 in File No.0334/CSC/TP7/2005 dated 27-8-2005. It is also further stated that the Writ Petitioners approached the Civil Court in O.S.No.150/2006 and obtained interim order in I.A.No.363/2006 on 31-5-2006. It is also further stated that the respondent Corporation served notice on 13-10-2006 and yet another notice on 23-10-2006. Further specific stand is taken that the petitioners had sent a reply to the notice dated 23-10-2006. The respondent Corporation issued another notice dated 24-11-2006. Several factual details are narrated in the affidavit filed in support of the Writ Petition. The main grievance of the Writ Petitioners is that without conducting any enquiry and without atleast verifying the building in question, the impugned notice had been sent.

5. As can be seen from the impugned notice, though explanation in detail had been made on 23-10-2006

wherein several aspects had been narrated in paras 1 to 12 of the said explanation, evidently without appreciating the explanation in proper perspective, it appears the present impugned notice had been issued. In view of the same, the impugned notice is hereby set aside and the matter is remitted to the respondent to consider the representation or explanation made by the petitioners and if necessary, the respondent Corporation also to inspect subject matter of the Writ Petition after putting the Writ Petitioners on notice and take appropriate decision in this regard. Until the exercise is made, *status quo* as on today to be maintained. Accordingly, the Writ Petition is disposed of. No order as to costs.

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Justice P.S.Narayana

28th December, 2006

Note:- Operative portion of the order
By wire at party's costs

(B/o.smr)